



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Clean up Fees for 517 and 519 East Hilborn

MEETING DATE: April 5, 1995

PREPARED BY: Administrative Assistant to the City Manager

RECOMMENDATION: That the City Council of the City of Lodi confirm the administrative fees and costs associated with abatement of nuisances at 517 and 519 East Hilborn Street. This shall constitute a special assessment against the property. Upon recordation in the office of the county recorder of a notice of lien, they shall constitute a lien on said property. They shall be added to the next regular tax bills levied against said parcels and shall be collected at the same time and in the same manner as ordinary municipal taxes.

BACKGROUND: The Community Improvement Officer has complaint records regarding 517 and 519 East Hilborn Street dating back to April 1993. The complainant states problems existed at this site for at least ten years. The Community Development department sent official notices of violation to the property owner in November 1993. Since that time, Community Improvement Officer Lee Schmiedt has been hired. He worked on this site extensively. Following an informal process, he did his best to obtain compliance. No cooperation was obtained. He then followed the formal nuisance abatement process outlined in Lodi Municipal Code Chapter 15.30. An administrative hearing was held, and a *findings and order to abate* sent to the property owners. No compliance was obtained. Finally, the City prepared a Request for Quotations and obtained a contractor to perform cleanup work. Although not specifically required by Chapter 15.30, to ensure **every** detail was addressed, Lee Schmeidt and John Luebberke, Deputy City Attorney, prepared a *warrant and authorization to abate* to allow staff and contractor to enter the property to perform work.

This property was a tremendous eyesore. The contractor has performed a beautiful job toward improving the appearance of the site. Unfortunately, several cars have appeared in various states of repair since this work was done. More staff time will probably be devoted to this property.

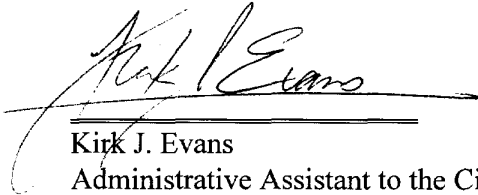
APPROVED: _____

THOMAS A. PETERSON
City Manager

Lodi Municipal Code section 15.30.190 requires the City Manager to render a written report to the City Council showing the cost of abating property nuisances. The enclosed Community Improvement Administrative Fee Schedule enumerates all fees and contractor costs associated with work performed to clean up 517 and 519 East Hilborn Street. The property owners have been properly noticed of this Council Meeting.

FUNDING: Not applicable.

Respectfully submitted,



Kirk J. Evans
Administrative Assistant to the City Manager

BOBBY W. MCNATT (91804)
City Attorney, City of Lodi
JOHN M. LUEBBERKE (164893)
Deputy City Attorney
221 West Pine St.
Lodi, CA 95240
(209) 333-6701

Attorney for: plaintiff City of Lodi

MUNICIPAL COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN, LODI JUDICIAL DISTRICT

IN THE MATTER OF THE ABATEMENT AT	No.
517 EAST HILBORN STREET, LODI,	WARRANT AND AUTHORIZATION TO
CALIFORNIA (DONALD GOHL, FOR	ABATE
MARTHA GOHL, DECEASED, OWNER),	(C.C.P. Section 1822.51)
Defendant/Respondent	

THE PEOPLE OF THE STATE OF CALIFORNIA TO:

The Community Development Department of the City of Lodi and
its authorized representatives:

PROOF, by affidavit and personal testimony, having been made
before me by Deputy City Attorney John M. Luebberke and Community
Improvement Officer, Leland Schmiedt, submitted to the Court on
2/22, 1995;

THAT THERE IS REASON TO BELIEVE there exists at 517 EAST
HILBORN STREET, Lodi, California conditions of nonconformity with
the Lodi Municipal Code, there is an authorization or requirement
for an abatement pursuant to Section 15.30 of the Lodi Municipal
Code with respect to the premises named above, as required in Code

1 of Civil Procedure Sections 1822.50 et seq. for the issuance of a
2 warrant, that the defendant herein has been afforded due process
3 pursuant to Lodi Municipal Code Section 15.30, and pursuant to Lodi
4 Municipal Code Section 15.30 such conditions of nonconformity
5 constitute a nuisance which may be abated;

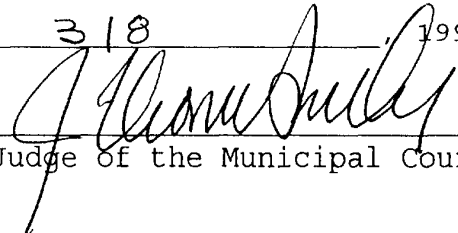
6 YOU ARE THEREFORE COMMANDED TO ABATE, WHICH ABATEMENT SHALL
7 INCLUDE removal and elimination of the condition of nonconformity
8 which may involve removal of litter, debris, fire hazards,
9 inoperative vehicles and vehicle parts. Also, cut grass and weeds
10 and remove trimmings.

11 AND THIS ABATEMENT shall be reasonably conducted so as to
12 effect as minimal an intrusion as possible on the normal operation
13 of the property;

14 AND THIS ABATEMENT shall be for all structures and curtilage
15 existing on the above-named premises located at 517 EAST HILBORN
16 STREET, City of Lodi, County of San Joaquin, State of California,
17 further described in the affidavit hereto.

18 THIS WARRANT shall expire on 3/3, 1995, and
19 the RETURN must be executed by 3/8, 1995, at

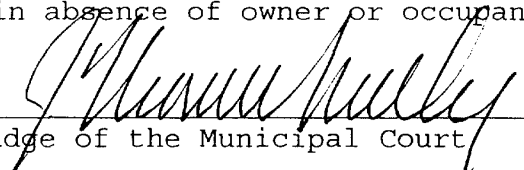
20 4:00 o'clock, P.m.
21 DATED: 2/22/95


Judge of the Municipal Court

23 AUTHORIZATION TO EXECUTE IN THE ABSENCE OF OWNER OR OCCUPANT

24 FOR GOOD CAUSE SHOWN BY ORAL TESTIMONY, execution of this
25 Warrant and Authorization to Abate in absence of owner or occupant
26 is hereby authorized.

27 DATED: 2/22/95


Judge of the Municipal Court

BOBBY W. MCNATT (91804)
City Attorney, City of Lodi
JOHN M. LUEBBERKE (164893)
Deputy City Attorney
221 West Pine St.
Lodi, CA 95240
(209) 333-6701

Attorney for: plaintiff City of Lodi

MUNICIPAL COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN, LODI JUDICIAL DISTRICT

IN THE MATTER OF THE ABATEMENT AT ,
LODI, CALIFORNIA (517 EAST HILBORN
STREET, DONALD GOHL FOR MARTHA
GOHL, DECEASED, OWNER),
Defendant/Respondent

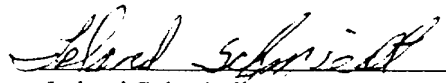
No.

RETURN OF ABATEMENT WARRANT

Pursuant to the Abatement Warrant issued in the above-mentioned matter on February 22, 1995 by Judge Thomas Seibly, the property located at 517 East Hilborn Street, Lodi, California, heretofore determined to be substandard, was abated by removal of litter, debris, vehicle parts, and lawn and yard clippings on Feb. 24, 1995.

I, Leland Schmiedt, Community Improvement Officer for the City of Lodi, by whom this Warrant was executed do swear that the above statement is true and accurate.

DATED: 03/01/95


Leland Schmiedt
Community Improvement Officer

CITY COUNCIL

STEPHEN J. MANN, Mayor
DAVID P. WARNER
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
FAX (209) 333-6807

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

March 13, 1995

Martha and Don Gohl
c/o George Gohl
517 and 519 East Hilborn Street
Lodi, CA. 95240

Dear Mr. Gohl:

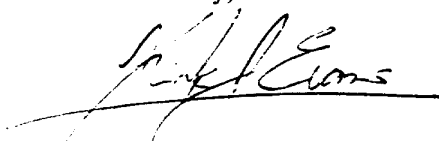
Lodi Municipal Code section 15.30.190 requires the City Manager to render a written report to the City Council showing the cost to abate your property at 517 and 519 East Hilborn Street. The attached Community Improvement Administrative Fee Schedule enumerates all fees and contractor costs associated with work performed on your property. The total amount is \$946.00.

This letter shall serve as notice that the City Council of the City of Lodi will hear this report on Wednesday April 5, 1995. The Council meeting begins at 7:00 p.m. It is impossible to predict the exact time of the evening this item will be heard.

If you choose not to pay these costs, the total cost for abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against your property and shall constitute a lien on said property.

If you have any questions, I can be contacted at (209) 333-6801.

Sincerely,



Kirk J. Evans

CITY COUNCIL

STEPHEN J. MANN, Mayor

DAVID P. WARNER

Mayor Pro Tempore

RAY G. DAVENPORT

PHILLIP A. PENNINO

JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

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FAX (209) 333-6807

THOMAS A. PETERSON

City Manager

JENNIFER M. PERRIN

City Clerk

BOB McNATT

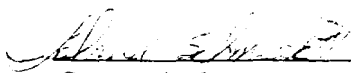
City Attorney

COMMUNITY IMPROVEMENT ADMINISTRATIVE FEE SCHEDULE

RE: 517 and 519 East Hilborn Street. Lodi, California 95240

- | | |
|--|-----------------------|
| 1. Vehicle abatements by the City, (public and private property, including street) requiring a second compliance inspection. | \$100/vehicle |
| 2. Violations of Lodi Municipal Code Chapter 15.30 which continue more than 30 days after notification of the violation. Plus actual cost of abatement if necessary. | \$90/case |
| 3. Violations of Lodi Municipal Code Chapter 15.30 where an administrative hearing is held. | \$50/case |
| 4. Appeals of decision of the administrative hearing. | \$50/case |
| 5. Violations of the Lodi Municipal Code requiring 1) order of abatement by Planning Commission or City Council, 2) an inspection or seizure warrant, or 3) a posting of an order designating the property as unsafe to occupy. | \$100/case |
| 6. Commencement of civil litigation proceedings. | \$1,000/case |
| 7. Costs of abatement in addition to City staff and associated indirect costs, including, but no limited to labor, equipment, private contractor, materials, storage and all other costs reasonable necessary to abate the nuisance. | Actual costs |
| 8. Violations Fines - as outlined in Lodi Municipal Code Section 15.30.220. | Up to \$500/violation |

Violation: <u>#2</u>	<u>\$ 90</u>
Violation: <u>#3</u>	<u>\$ 50</u>
Violation: <u>#5(2)</u>	<u>\$100</u>
Violation: <u>#7</u>	<u>\$662 - contractor's costs</u>
Violation: _____	<u>\$ 44 - photos and 4 dump passes</u>
Total := <u>\$946</u>	


Community Improvement Officer

Date

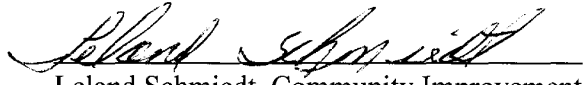
PROOF OF POSTING OF REPORT OF ABATEMENT COSTS
AND NOTICE OF CITY COUNCIL HEARING

[LODI MUNICIPAL CODE SECTION 15.30.190]

I, Leland Schmiedt, Community Improvement Officer for the City of Lodi declare as follows:

1. On, March 16, 1995, pursuant to Lodi Municipal Code Section 15.30.190, I personally posted upon the property known as 519 East Hilborn Street, Lodi, California, the Report of Abatement Costs and Notice of City Council Hearing regarding that property (attached hereto as Exhibit A). In accordance with Lodi Municipal Code Section 15.30.190 said date of posting is at least five (5) calendar days prior to the City Council hearing regarding assessment of lien on the above mentioned property.
2. On March 21, 1995 in accordance with Lodi Municipal Code Sections 15.30.170 and 15.30.190, I served upon the owners of 519 East Hilborn Street, Lodi, California, via First Class United States Mail the Report of Abatement Costs and Notice of Council Hearing regarding that property. In accordance with Lodi Municipal Code Section 15.30.190 said date of assessment of lien on the above mentioned property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true of my personal knowledge and this declaration was signed this 21 day of March, 1995, at Lodi California.



Leland Schmiedt, Community Improvement
Officer, City of Lodi

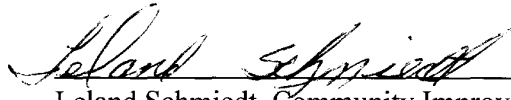
**PROOF OF POSTING OF REPORT OF ABATEMENT COSTS
AND NOTICE OF CITY COUNCIL HEARING**

[LODI MUNICIPAL CODE SECTION 15.30.190]

I, Leland Schmiedt, Community Improvement Officer for the City of Lodi declare as follows:

1. On, March 15, 1995, pursuant to Lodi Municipal Code Section 15.30.190, I personally posted upon the property known as 517 East Hilborn Street, Lodi, California, the Report of Abatement Costs and Notice of City Council Hearing regarding that property (attached hereto as Exhibit A). In accordance with Lodi Municipal Code Section 15.30.190 said date of posting is at least five (5) calendar days prior to the City Council hearing regarding assessment of lien on the above mentioned property.
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Leland Schmiedt, Community Improvement
Officer, City of Lodi